



US Army Corps
of Engineers
Seattle District



US Army Corps
of Engineers
Walla Walla District



Joint Public Notice

Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Concurrence

US Army Corps of Engineers
Seattle District
Reference No.: NWS-2013-916
Name: Clarkston, Port of
Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-3755
Telephone: (206) 316-3166
ATTN: Tim Erkel,
Regulatory Project Manager

US Army Corps of Engineers
Walla Walla District
Reference No: NWW-2013-519
Name: Lewiston, Port of
Regulatory Division
201 North 3rd Avenue
Walla Walla, Washington 99362-1876
Telephone: (208) 522-1676
ATTN: James Joyner,
Regulatory Project Manager

WA Department of Ecology
SEA Program
Post Office Box 47600
Olympia, WA 98504-7600
Telephone: (360) 407-6068
ATTN: SEA Program,
Federal Permit Coordinator

Public Notice Date: November 19, 2013

Expiration Date: December 18, 2013

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received applications to perform work in waters of the United States as described below and shown on the enclosed preliminary planning drawings dated October 3, 2013.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Ecology will review the work pursuant to Section 401 of the CWA.

APPLICANT: NWS-2013-916

Attention: Wanda Keefer
Port of Clarkston
849 Port Way
Clarkston, WA 99403
Telephone: (509) 758-5272

APPLICANT: NWW-2013-519

Attention: David Doeringsfeld
Port of Lewiston
1626 6th Avenue North
Lewiston, ID 83501
Telephone: (208) 743-5531

AGENT: NWW-2013-519

Attention: Sally Fisher
BergerABAM
33301 Ninth Avenue South,
Suite 300
Federal Way, WA 98660
Telephone: (206) 431-2263

NWS-2013-916, Clarkston, Port of; and NWW-2013-519, Lewiston, Port of

LOCATION (Port of Clarkston): Dredging: In the Snake River at Clarkston, Asotin County, Washington.
Disposal: In the Snake River at Knoxway Canyon, Garfield County, Washington.

WORK: Dredge approximately 14,000 cubic yards of accumulated sediment from four berthing areas at the Port of Clarkston, with in-water disposal of the dredged material to create shallow water habitat.

LOCATION (Port of Lewiston): Dredging: In the Clearwater River at Lewiston, Nez Perce County, Idaho.
Disposal: In the Snake River at Knoxway Canyon, Garfield County, Washington.

WORK: Dredge approximately 6,000 cubic yards of accumulated sediment from the berthing areas at the Port of Lewiston, with in-water disposal of the dredged material to create shallow water habitat.

PURPOSE: To maintain a navigable water depth at the Ports berthing facilities.

DREDGED MATERIAL MANAGEMENT PROGRAM (DMMP):

Dredged Material Testing: Sediment sampling and testing are being performed according to the procedures specified in the 2009 *Sediment Evaluation Framework for the Pacific Northwest* (SEF) and the 2013 *Dredged Material Evaluation and Disposal Procedures (Users' Manual)*. The sediment sampling has been completed and testing is underway, however the results of the testing were not available before this Public Notice was published. The Dredged Material Management Program (DMMP) agencies will evaluate the results of the sediment sampling and testing and determine whether the dredged material is suitable for disposal at an open-water disposal site or must be disposed of at an upland location. We will consider this suitability determination prior to completing our review. The sediment testing data will be available at the Corps, Seattle District, Dredged Material Management Office and on the Walla Walla District's website at:

<http://www.nww.usace.army.mil/Missions/Projects/ProgrammaticSedimentManagementPlan.aspx>.

Disposal Site Use Conditions: The following standard site-use condition will be specified by the Corps and the Washington Department of Natural Resources as part of the Federal/State permitting processes: (1) disposal operations must not interfere with Indian treaty fishing at the disposal site, including gill nets and other fishing gear. Other appropriate special conditions may be added as a result of comments received during the public review period for this public notice.

ADDITIONAL INFORMATION: To access the electronic version of this public notice, go to the Seattle District's web page at <http://www.nws.usace.army.mil/> and under the heading Open Public Comment Periods select Regulatory Public Notices. The notice can also be accessed at the Walla Walla District's web page at <http://www.nww.usace.army.mil/BusinessWithUs/RegulatoryDivision/PublicNotices.aspx>. Recently-issued public notices are listed in chronological order of the date of issuance. Select and view the listing for this project.

MITIGATION: Neither Port has proposed mitigation as it is anticipated the impacts of the dredging will be temporary and the disposal of the material will be for a beneficial use to provide shallow water resting/rearing habitat for juvenile salmonids.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat.

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The US Army Corps of Engineers, Walla Walla District, as the lead agency for demonstrating compliance with Section 7 of the ESA, is consulting with the NMFS and the USFWS as part of the Environmental Impact Statement preparation for the Lower Snake River Programmatic Sediment Management Plan. The Corps has determined:

1. the project may affect, is likely to adversely affect Snake River Spring/Summer Chinook, Snake River Fall Chinook, Snake River Basin Steelhead, and Bull trout and their designated critical habitat;
2. the project may affect, is not likely to adversely affect Snake River Sockeye; and
3. the project may affect, is likely to adversely affect Snake River Sockeye designated critical habitat.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action may impact EFH in the project area.

The U.S. Army Corps of Engineers, Walla Walla District, as the lead agency for a determination regarding EFH, has determined that the proposed action will have the same affect on designated EFH for federally managed fisheries as those for designated critical habitat under ESA as stated above, and has initiated EFH consultation with the National Marine Fisheries Service.

CULTURAL RESOURCES: The U.S. Army Corps of Engineers, Walla Walla District, as the lead agency for determining compliance with Section 106 of the National Historic Preservation Act, has consulted with the State Historic Preservation Officer(s) and Native American Tribes as appropriate and determined the actions described in this public notice will result in “no historic properties affected”. The consultation is documented in the Environmental Impact Statement prepared for the Lower Snake River Programmatic Sediment Management Plan.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION – CORPS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The described discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

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ENVIRONMENTAL IMPACT STATEMENT: The effects of the proposed dredging by the Ports are being evaluated in the Environmental Impact Statement (EIS) for the Lower Snake River Programmatic Sediment Management Plan that is being prepared by the U.S. Army Corps of Engineers Walla Walla District. Information regarding the EIS can be found at <http://www.nww.usace.army.mil/Missions/Projects/ProgrammaticSedimentManagementPlan.aspx>. Information in the EIS will be utilized in the Corps analysis of the Ports proposed projects.

SOURCE OF FILL MATERIAL: The source of the fill material will be the areas dredged within the Ports of Clarkston and Lewiston.

EVALUATION – ECOLOGY: Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Ecology will be considering all comments to determine whether to certify or deny water quality certification for the proposed project.

COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize the proposals. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentator's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration.

CORPS COMMENTS: Please mail or email comments for the Port of Clarkston (NWS-2013-916) and Port of Lewiston (NWW-2013-519) to appropriate contact below:

For the Port of Clarkston (NWS-2013-916):

U.S. Army Corps of Engineers
Regulatory Branch
ATTN: Tim Erkel
PO Box 3755
Seattle, Washington 98124-3755
Tim.R.Erkel@usace.army.mil

For the Port of Lewiston (NWW-2013-519):

U.S. Army Corps of Engineers
Regulatory Division
ATTN: James Joyner
900 N Skyline Drive, Suite A
Idaho Falls, Idaho 83402
James.M.Joyner@usace.army.mil

All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act including any personally identifiable information such as names, phone numbers, and addresses.

ECOLOGY COMMENTS: Any person desiring to present views on the projects pertaining to a request for water quality certification under Section 401 of the CWA, may do so by submitting written comments to the following address: Washington State Department of Ecology, Attention: Federal Permit Coordinator, Post Office Box 47600, Olympia, Washington 98504-7600, or e-mail to ecyrefedpermits@ecy.wa.gov.

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Clarkston, Port of: NWS-2013-916 or Lewiston, Port of; NWW-2013-519

Encl: Figures (10)